

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

TESLA, INC.,

Defendant.

Case No. [23-cv-04984-JSC](#)

**ORDER RE: SECOND ESI PROTOCOL
DISCOVERY DISPUTE**

Re: Dkt. No. 83

Pending before the Court is a discovery dispute joint letter regarding the parties' Second ESI Protocol. Upon review of the submission, the Court concludes oral argument is not required. *See* N.D. Cal. Civ. L.R. 7-1(b).

1. Sources of ESI, Preservation of ESI, and Reasonably Inaccessible Data

The Court adopts Tesla's position as to the language of the Second ESI Protocol as to the above three categories; however, on or before **February 13, 2025**, Tesla shall file a submission with the Court identifying the specific ESI sources it has preserved for this and the related cases, when the preservation order(s) was placed, the beginning date of the preserved ESI, and a general description of the information in each source. The submission shall also identify whether any of the sources of data identified on Exhibit A are inaccessible and why they are inaccessible. For example, Tesla must explain whether Convercent is inaccessible and why.

2. Use of Search Terms

The Court adopts EEOC's proposal as representing best practices in large data cases such as this. If a different method is better suited to a particular ESI source, the parties can meet and confer on that at the time; but, the EEOC's proposal shall be the default.

3. Structured Database Systems

1 The Court adopts EEOC's proposal. Again, if it turns out this method does not work for a
2 particular structured database, the producing party can raise the issue and meet and confer on an
3 appropriate alternative method at that time.

4 **4. Second ESI Protocol**

5 The Second ESI Protocol, consistent with this Order, shall be filed by February 7, 2025.

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7 This Order disposes of Docket No. 83.

8 **IT IS SO ORDERED.**

9 Dated: February 3, 2025

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12 JACQUELINE SCOTT CORLEY
13 United States District Judge
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